



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Patent Cooperation Treaty Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**26 SEP 2000**

Pauley Petersen Kinne & Fejer  
2800 West Higgins Road, Suite 365  
Hoffman Estates, IL 60195

In re Application of KOSTER  
U.S. Application No.: 09/623,008  
Int. Application No.: PCT/IB99/01651  
Int. Filing Date: 08 October 1999  
Priority Date: 20 November 1998  
Attorney Docket No.: ASA-101  
For: METHOD OF TREATMENT OF  
GOODS WITH CARBON DIOXIDE  
AND NITROGEN

DECISION ON PETITION

UNDER 37 C.F.R. § 1.137(b)

This is in response to applicant's "Petition to Revive An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 August 2000.

**BACKGROUND**

On 08 October 1999, applicant filed international application PCT/IB99/01651, which claimed priority of an earlier Argentina application filed 20 November 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 June 2000. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 20 July 2000.

International application PCT/IB99/01651 became abandoned as to the United States of America at midnight on 20 July 2000 for failure to pay the basic national fee.

On 24 August 2000, applicant filed the present petition. The petition states that it is accompanied by, *inter alia*, a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that the present application became abandoned unintentionally.

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required application under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "This patent application became abandoned unintentionally." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioners are required to provide a statement to that effect.

With regard to item (4), because the international application was not filed before 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

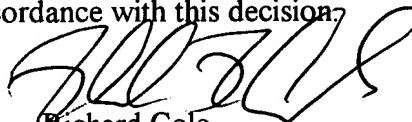
For the reasons above, the petition under 37 C.F.R. §1.137(b) is GRANTED.

This application has an international filing date of 08 October 1999 and a date under 35 U.S.C. 371(c) and 102(e) of 24 August 2000.

A fee of \$65.00 for the filing of a declaration later than twenty months from the priority date will be charged to Deposit Account No. 19-3550 as authorized by applicant.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

  
Richard Cole  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459